

AMENDED IN SENATE MAY 19, 1999

AMENDED IN SENATE APRIL 12, 1999

SENATE BILL

No. 1006

Introduced by Senator Costa

February 26, 1999

An act to amend ~~Section 116775~~ *Sections 116775, 116780, and 116785* of, and to add Section ~~116791~~ *116786* to, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1006, as amended, Costa. Drinking water: water softening *and conditioning* devices.

Existing law prohibits a residential water softening or conditioning appliance from being installed except in certain circumstances, including when the regeneration of the appliance discharges to the waste disposal system of the residence where the appliance is used and certain other conditions are satisfied. These conditions include the requirement that the appliance is certified to control the quantity of salt used per regeneration by a pre-set device and the settings of the device are limited so that a specified salt efficiency rating is achieved.

This bill would revise and recast these provisions, and would authorize a local agency, as defined, to prospectively limit the availability of residential water softening or conditioning appliances to appliances that activate regeneration by demand control. It would also authorize a local agency, by ordinance, to limit the availability, or prohibit the installation,

of residential water softening or conditioning appliances that discharge to the waste disposal system of the residence where the appliance is used if the local agency makes certain findings and includes them in the ordinance.

~~Existing law contains provisions regulating the use of residential water softening or conditioning appliances.~~

~~This bill would provide that nothing contained in these provisions shall authorize the discharge of brine waste into a community water system from regeneration of any water softening or conditioning appliance performed at a residence where the appliance is used, or authorize the installation of any water softening or conditioning appliance regenerated at a residence where the appliance is used, where the discharge or installation is in violation of an ordinance, rule, or regulation of a local agency, as defined, adopted to control residential salinity input for the purpose of achieving compliance with waste discharge requirements, water reclamation requirements, or a master reclamation permit issued by a regional water quality control board, or recycling water containing waste, or protecting present and probable future beneficial uses of water.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 116775 of the Health and Safety
 2 Code is amended to read:
 3 116775. The Legislature hereby finds and declares
 4 that the utilization of the waters of the state by residential
 5 consumers for general domestic purposes, including
 6 drinking, cleaning, washing, and personal grooming and
 7 sanitation of the people is a right that should be interfered
 8 with only when necessary for specified health and safety
 9 purposes ~~and~~ *or* to protect the quality of the waters of the
 10 state. The Legislature further finds that variation in water
 11 quality, and particularly in water hardness, throughout
 12 the state ~~may require the use of~~ *often requires that* onsite
 13 water softening or conditioning appliances ~~to ensure be~~
 14 *available to domestic consumers to ensure their right to*

1 a water supply that is effective and functional for
2 domestic requirements of the residential household, but
3 that ~~the onsite residential water softening or conditioning~~
4 ~~shall be available only as hereinafter set forth.~~
5 *conditioning appliances shall be available only as*
6 *authorized in this article.*

7 ~~SEC. 2. Section 116791 is added to the Health and~~
8 ~~Safety Code, to read:~~

9 ~~116791. (a) Nothing contained in this article shall~~
10 ~~authorize the discharge of brine waste into a community~~
11 ~~water system from regeneration of any water softening or~~
12 ~~conditioning appliance performed at a residence where~~
13 ~~the appliance is used, or authorize the installation of any~~
14 ~~water softening or conditioning appliance regenerated at~~
15 ~~a residence where the appliance is used, where the~~
16 ~~discharge or installation is in violation of an ordinance,~~
17 ~~rule, or regulation of a local agency adopted to control~~
18 ~~residential salinity input for the purpose of achieving~~
19 ~~compliance with waste discharge requirements, water~~
20 ~~reclamation requirements, or a master reclamation~~
21 ~~permit issued by a regional water quality control board,~~
22 ~~or recycling water containing waste, or protecting~~
23 ~~present and probable future beneficial uses of water~~
24 ~~pursuant to Division 7 (commencing with Section 13000)~~
25 ~~of the Water Code.~~

26 ~~(b) As used in this section, "local agency" means a city,~~
27 ~~county, city and county, district, or any other political~~
28 ~~subdivision of the state that is located in an area subject~~
29 ~~to a water quality control plan adopted pursuant to~~
30 ~~Article 3 (commencing with Section 13240) of Chapter 4~~
31 ~~of Division 7 of the Water Code where the plan contains~~
32 ~~applicable salinity standards, limits, or objectives.~~

33 ~~SEC. 2. Section 116780 of the Health and Safety Code~~
34 ~~is amended to read:~~

35 ~~116780. (a) Unless the context otherwise requires the~~
36 ~~definitions in this section govern the construction of this~~
37 ~~article.~~

38 ~~(b) "Clock control" means the system controlling the~~
39 ~~periodic automatic regeneration of a residential water~~

1 softening or conditioning appliance that is based upon a
2 predetermined and preset time schedule.

3 (c) “Demand control” means the system controlling
4 the periodic automatic regeneration of a residential
5 water softening or conditioning appliance that is based
6 either upon a sensor that detects imminent exhaustion of
7 the active softening or conditioning material or upon the
8 measurement of the volume of water passing through the
9 appliance. A demand control system activates
10 regeneration based upon the state of the equipment and
11 its ability to continue the softening process.

12 (d) “Fully manual regeneration” means the method of
13 regeneration of a residential water softening or
14 conditioning appliance in which operations are
15 performed manually and in which dry salt is added
16 directly to the ion-exchanger tank after sufficient water
17 is removed to make room for the salt.

18 (e) “Hardness” means the total of all dissolved
19 calcium, magnesium, iron and other heavy metal salts,
20 that interact with soaps and detergents in a manner that
21 the efficiency of soaps and detergents for cleansing
22 purposes is impaired. Hardness is expressed in grains per
23 gallon or milligrams per liter as if all such salts were
24 present as calcium carbonate.

25 (f) “*Local agency*” means a city, county, city and
26 county, district, or any other political subdivision of the
27 state.

28 (g) “Manually-initiated control” means the system
29 controlling the periodic regeneration of a residential
30 water softening or conditioning appliance in which all
31 operations, including bypass of hard water and return to
32 service, are performed automatically after manual
33 initiation.

34 ~~(g)~~

35 (h) “Regeneration” means the phase of operation of a
36 water softening or conditioning appliance whereby the
37 capability of the appliance to remove hardness from
38 water is renewed by the application of a brine solution of
39 sodium chloride salt to the active softening or
40 conditioning material contained therein followed by a



1 subsequent rinsing of the active softening or conditioning
2 material.

3 ~~(h)~~

4 (i) "Salt efficiency rating" means the efficiency of the
5 use of sodium chloride salt in the regeneration of a water
6 softening appliance, expressed in terms of hardness
7 removal capacity of the appliance per pound of salt used
8 in the regeneration process. The units of salt efficiency
9 rating are grains of hardness removed per pound of salt
10 used. One grain of hardness per gallon is approximately
11 equivalent to 17.1 milligrams of hardness per liter.

12 SEC. 3. Section 116785 of the Health and Safety Code
13 is amended to read:

14 116785. ~~No~~ Except as provided in Section 116786, a
15 residential water softening or conditioning appliance
16 ~~shall may~~ be installed ~~except in~~ only if either of the
17 following circumstances apply:

18 (a) The regeneration of the appliance is performed at
19 a nonresidential facility separate from the location of the
20 residence where the appliance is used.

21 (b) The regeneration of the appliance discharges to
22 the waste disposal system of the residence where the
23 appliance is used and both of the following conditions are
24 satisfied:

25 (1) The appliance is certified to control the quantity of
26 salt used per regeneration by a pre-set device and the
27 settings of the device are limited so that ~~a the~~ salt
28 efficiency rating ~~of no less than 2850 grains of hardness~~
29 ~~removed per pound of salt used in regeneration is~~
30 achieved with a clock control, manually-initiated control,
31 or demand control ~~is the higher of either of the following:~~

32 (A) Four thousand grains of hardness removed per
33 pound of salt used in regeneration.

34 (B) The salt efficiency rating adopted, by regulation,
35 by the State Water Resources Control Board that the
36 State Water Resources Control Board determines is
37 feasible, taking cost to the residential water consumer
38 and the availability of residential water softening and
39 conditioning technologies into account.

(2) The installation of the appliance is accompanied by the simultaneous installation of the following softened or conditioned water conservation devices on all fixtures using softened or conditioned water, unless the devices are already in place or are prohibited by local and state plumbing and building standards or unless the devices will adversely restrict the normal operation of the fixtures:

(A) Faucet flow restrictors.

(B) Shower head restrictors.

(C) Toilet reservoir dams.

(D) A piping system installed so that untreated (unsoftened or unconditioned) supply water is carried to hose bibs and sill cocks that serve water to the outside of the house, except that bypass valves may be installed on homes with slab foundations constructed prior to the date of installation; or condominiums constructed prior to the date of installation; or otherwise where a piping system is physically inhibited.

SEC. 4. Section 116786 is added to the Health and Safety Code, to read:

116786. (a) Notwithstanding paragraph (1) of subdivision (b) of Section 116785, a local agency may, by ordinance, limit the availability of residential water softening or conditioning appliances pursuant to subdivision (b) of Section 116785, to appliances that activate regeneration by demand control. Any ordinance adopted pursuant to this subdivision shall be prospective in nature and may not require the removal of residential water softening or conditioning appliances that are installed before the effective date of the ordinance.

(b) Notwithstanding subdivision (b) of Section 116785, a local agency may, by ordinance, limit the availability, or prohibit the installation, of residential water softening or conditioning appliances that discharge to the waste disposal system of the residence where the appliance is used if the local agency makes both of the following findings and includes them in the ordinance:

(1) The local agency is not in compliance with waste discharge requirements issued by the California regional

1 water quality control board pursuant to Chapter 5.5
2 (commencing with Section 13370) of Division 7 of the
3 Water Code.

4 (2) Limiting the availability, or prohibiting the
5 installation, of the appliances is the only available means
6 of achieving compliance with waste discharge
7 requirements issued by the California regional water
8 quality control board.

9 (c) Notwithstanding subdivision (b) of Section 116785,
10 a local agency may, by ordinance, limit the availability, or
11 prohibit the installation, of residential water softening or
12 conditioning appliances that discharge to the waste
13 disposal system of the residence where the appliance is
14 used if the local agency makes all of the following findings
15 and includes them in the ordinance:

16 (1) The local agency is not in compliance with water
17 reclamation requirements, or a master reclamation
18 permit, issued by the California regional water quality
19 control board pursuant to Article 4 (commencing with
20 Section 13520) of Chapter 7 of Division 7 of the Water
21 Code.

22 (2) Limiting the availability, or prohibiting the
23 installation, of the appliances is the only available means
24 of achieving compliance with the water reclamation
25 requirements or the master reclamation permit issued by
26 a California regional water quality control board.

27 (3) The local agency has adopted, and is enforcing,
28 regulatory requirements that limit the volumes and
29 concentrations of saline discharges from nonresidential
30 sources to the community waste disposal system to the
31 extent technologically and economically feasible.

